



Docket 83302D-W
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Charles C. Anderson, et al

IMAGING MATERIALS WITH
CONDUCTIVE LAYERS
CONTAINING ELECTRONICALLY
CONDUCTIVE
POLYMER PARTICLES

Serial No. 10/036,155

Filed December 26, 2001

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

REMARKS FOR RCE

REMARKS

Claims 1-14 and 19-48 are in the present application, claims 15-18 having been canceled in a prior response.

Claims 1-14 and 19-28 have been finally rejected under 35 USC § 103(a) as being unpatentable over the combination of Jonas et al. '515 and Krafft et al. '981 further in view of Majumdar et al. '655 for the same reasons as set forth in paragraph 5 of the Office Action mailed October 7, 2002. An After Final amendment to the claims and request for reconsideration were not entered because, as alleged in the Advisory Action, the proposed amendment 1) raised new issues that would require further consideration; 2) raised the issue of new matter; and 3) were not deemed to put the application in better form for appeal. The Applicant mailed a Notice of Appeal on June 3, 2003.

The present RCE is submitted by the Applicant in order to have the After Final amendments entered and to overcome the issues raised in the Advisory Action.

Group Art Unit: 1752

Examiner: Richard L. Schilling

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Robin G. DePoint
Robin G. DePoint

October 20, 2003
Date

RECEIVED
NOV 13 2003
TC 1700

The Applicant has amended claim 1 to exclude gelatin derivatives from the antistatic layer; to include gelatin in the image-forming layer; and to describe the antistat layer as being directly adjacent to the image-forming layer. Foundation for the amendment can be found on page 18, lines 14 to 25 of the application as filed. The Applicant believes that the amended claims are allowable.

It is well known in the art that gelatin-based emulsion layers are best adhered to antistatic layers that contain gelatin. Neither Jonas et al. or Krafft et al. teach gelatin as a binder in these layers and therefore they are not dealing with the problem that the invention solves. Other water soluble binders, e.g. polyvinyl alcohol as disclosed in Krafft et al. do not work well. Majumdar contemplates the use of gelatin, but teaches the need for the gelatin to be modified because of the problems encountered with unmodified gelatin. Applicants teach (*See, Examples*) the use of unmodified gelatin plus a neutral charge conductivity enhancer; this is not taught by Majumdar. The Applicant has solved the long felt need of having a gelatin-based emulsion layer on an antistatic layer without diminishing conductivity. The Applicant's amended claims are therefore novel and should be allowed.


Claim 8 is rejected under 35 USC § 112, second paragraph, as being indefinite. Claim 8 has been amended to overcome any indefiniteness. The rejection should now be withdrawn.

The Applicant maintains that non-silver halide applications are taught at page 16 of the original application and is therefore not new matter.

In view of the foregoing amendments and remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the Examiner is earnestly solicited. Should the Examiner believe any remaining issues may be resolved via a telephone interview, the Examiner is encouraged to contact Applicants' representative at the number below to discuss such issues.

Respectfully submitted,

Doreen M. Wells /rgd
Telephone: 585-588-2405
Facsimile: 585-477-1148



Attorney for Applicants
Registration No. 34,278